

PATENT  
ATTORNEY DOCKET NO.: 042715-5021

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Yasushi NIITSU, et al.	)	
	)	
U.S. Application No.: 10/586,148	)	Group Art Unit: Unassigned
	)	
International Appln. Filing Date: March 5, 2004	)	
	)	
Date of National Stage Entry: July 14, 2006	)	Examiner: Unassigned
	)	
For: <b>STRESS MEASURING METHOD AND</b>	)	
<b>INSTRUMENT</b>	)	
	)	

Commissioner of Patents  
MAIL STOP PCT**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed March 30, 2007.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

07 APR -6 AM 9:00

3. English Translation of Non-English Language Papers

- ☒ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
- ☒ Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

☐ Applicant(s) hereby assert small entity status.

5. Fee Calculation

Basic National Stage Fee: \$300.00				<i>Paid July 14, 2006</i>
	Number Filed	Number Extra	at a Rate of	
Total Claims	4-20 =	0	\$50.00 each=	+\$
Independent Claims	3- 3 =	0	\$200.00 each=	+\$
Multiple dependent claim(s), if any			\$360.00	+\$
Missing Requirements Surcharge Fee			\$130.00	\$130.00
Application Size Fee \$250.00 for each additional 50 sheets that exceeds 100				\$
Application Search Fee			\$500/\$400/\$100	<i>Paid July 14, 2006</i>
Examination Fee			\$200.00	<i>Paid July 14, 2006</i>
SUB-TOTAL =				\$ 130.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	+\$ 130.00
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	+\$
TOTAL FILING FEE =				\$ 260.00

04/09/2007 LLANDGRA 00000019 500310 10586148

01 FC:1617 130.00 DA  
02 FC:1618 130.00 DA

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

	<u>Total Months Requested</u>	<u>Extension Fee</u>	<u>Extension Fee [Small Entity]</u>
<input type="checkbox"/>	One month	\$120.00	\$60.00
<input type="checkbox"/>	Two months	\$450.00	\$225.00
<input type="checkbox"/>	Three months	\$1,020.00	\$510.00
<input type="checkbox"/>	Four months	\$1,590.00	\$795.00
<input type="checkbox"/>	Five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request: \$\_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is:	Completion Fees	<u>\$260.00</u>
	Assignment Fees	<u>\$ 40.00</u>
	Total Fee Due	<u>\$300.00</u>

- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.

- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☐ Form PCT/IPEA/409 (English Translation)  
☐ Preliminary Amendment  
☐ PCT/IB/338 English translation of the International preliminary Examination Report  
☒ Information Disclosure Statement  
☒ Form PTO-1449, 15 documents as listed  
☐ Declaration of Biological Deposit  
☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



---

Robert J. Goodell, Reg. No. 41,040

Date: April 5, 2007

**Customer No. 09629**

**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/586,148	Yasushi Niitsu	042715-5021

INTERNATIONAL APPLICATION NO.
PCT/JP04/02918

I.A. FILING DATE	PRIORITY DATE
03/05/2004	01/15/2004

9629

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

Filed 4/2/07 Attorney RSGL  
Case 42715-5021  
Due Date May 30, 2007  
Action Missing Requirement  
By PSF Chk BR

CONFIRMATION NO. 2775

## 371 FORMALITIES LETTER



\*OC00000023107388\*

Date Mailed: 03/30/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/14/2006
- Copy of the International Search Report filed on 07/14/2006
- U.S. Basic National Fees filed on 07/14/2006
- Priority Documents filed on 07/14/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$260 for a Large Entity:

RECEIVED

APR 02 2007

MORGAN, LEWIS &amp; BOCKIUS LLP

- **\$130** Surcharge.
- **\$130** for English translation surcharge required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/586,148	PCT/JP04/02918	042715-5021